

ESTTA Tracking number: **ESTTA249634**

Filing date: **11/18/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91150298
Party	Plaintiff BAXTER INTERNATIONAL INC.
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Date	11/18/2008
Attachments	Inviro - Stipulated Conclusion of Proceeding Ultralink 11-17-08.pdf (3 pages) (9961 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 76/151380
For the mark **ULTRALINK**
Published in the "Official Gazette" of August 7, 2001

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Baxter International Inc.)	
Opposer,)	
)	
)	
Vs.)	Opposition No. 91150298
)	
)	
Inviro Medical Devices Ltd.)	
Applicant)	
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

JOINT STIPULATIONS TO CONCLUDE OPPOSITION PROCEEDING

Pursuant to TBMP § 605.03(a), the parties, Baxter International Inc. (Opposer) and Inviro Medical Devices Ltd. (Applicant), through their undersigned attorneys hereby notify the Board that they have reached a settlement of their matters that are pending before the Board. The parties, pursuant to TBMP § 605.03(f), therefore stipulate as follows:

1. Applicant withdraws without prejudice and with Opposer's consent Application No. 76/151380 for the mark ULTRALINK.
2. Applicant withdraws all pending counterclaims that it filed against

Opposer's marks, US Reg. Nos. 1,721,708; 1,812,016; and 1,821,178 that form the basis of this proceeding and requests that these actions be dismissed without prejudice.

3. Opposer requests that its opposition against Serial No. 76/151380 be dismissed without prejudice.

BACKGROUND

1. On October 29, 2001 Opposer initiated opposition proceedings against Serial No. 76/151380.

2. During the course of the opposition, Applicant filed counterclaims against Opposer's US Reg. Nos. 1,721,708; 1,812,016; and 1,821,178.

3. The parties have now entered into a Settlement Agreement and desire to conclude the pending proceeding under Opposition No. 91150298 and related counterclaims as stipulated above.

Wherefore the parties kindly request that the Board accepts their stipulations as set forth above and concludes the opposition proceeding and related counterclaims as requested. This motion is filed with the express consent of Applicant's Attorney, Mr. Duane M. Byers of Nixon & Vanderhye P.C.

Respectfully submitted:

/Duane M. Byers/
Duane M. Byers
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901 North Glebe Road, 11th Floor
Arlington, VA, 22203
Counsel for Applicant
Date: November 18, 2008

Respectfully submitted

/R. Peter Spies/
R. Peter Spies
Dineff Trademark Law Limited
160 N. Wacker Drive
Chicago, IL 60606
Counsel for Opposer
Date: November 18, 2008

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Joint Stipulation was mailed via email and first class mail to the below identified attorney at his/her place of business on November 18, 2008:

Mr. Duane M. Byers
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/R Peter Spies/
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Dated: November 18, 2008